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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,060	04/26/2000	John Richard Bergan	156-102	9604

7590 07/21/2004

Donald W Marks  
3137 Mount Vernon Avenue  
Alexandria, VA 22305

EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

13

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/558,060

Applicant(s)

BERGAN, JOHN RICHARD

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. After carefully review applicant remarks, the Office withdraws the finality to the Office Action dated on 11/18/2003. The Office regrets any inconveniences due to the application.
2. Claims 1-12 are pending in this application.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 6-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doak et al. (US. Patent No. 5,864,869).

Regarding on claims 1 and 4, Doak teaches a data checking system for determining if necessary files and data have been entered into a computerized

management system having a data base containing a plurality of files and data, the system comprising:

An item list defining possible data in the computerized management system (fig. 3 illustrates the information can be e.g. lesson plans, class grading policies, monthly summaries etc...);

Means for displaying the list and for enabling the user to select one or more items in the item list as necessary for the management system (fig. 3 displaying the list of all data in these categories for management);

Means enabling a user to request a check of the selected items (task completion) (col. 5, lines 3-7); and

Doak does not explicitly teach means responsive to a request to check the selected items for conducting an inspection of the management system database to determine the presence of the selected items and for reporting the results of the conducted inspection. However, Doak teaches "this invention's ability to provide ongoing daily and/or weekly comparison of achievement with the original entered text(s), pages, or task(s) completion to be covered in a pre-determined period and the resultant product of a completed lesson plan reduces the teacher's weekly lesson plan work requirements to basic editing and/or entering newly released or current events to be taught (col. 5, lines 3-9). This suggests the verification of the task completion corresponding to the request the check on selects item for conducting an inspection of the management system database to determine the presence of the selected items. In addition, Doak also teaches "the end-product on the invention is the finish report(s)

primarily being the required monthly or weekly lesson plans complete with text page allocations and the predetermined class, text, tasks, material, methodologies, objectives, and/or evaluation criteria (col. 5, lines 17-21). Doak suggests the evaluation upon the completion of task and reporting the task completion. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the evaluation of teaching task completion as taught in Doak in order to provide an evaluation system to check whether the teaching task is completed as planned.

Regarding on claims 7 and 10, Doak teaches one of the selected items of the possible data includes a date and further comprising:

Means for setting period of one or more days (col. 4, lines 24-35);

Said inspection conducting means determining the presence of the one selected item having a data within the selected period (col. 4, lines 24-35).

Regarding on claim 2 and 6, Doak does not explicitly teach the claimed item list includes lesson plan information and the inspection conducting means determines the present or absence of lesson plans for a selected period in the management system database. However, Doak teaches "if the plan teaching allocation of text(s) pages or task(s) differ from actual achievement (either teacher went too slowly or too rapidly), the user can enter current status and the software has the computer re-located the remaining pages to fit the remaining time of the determined teaching period or the user can manually enter the location (page number, percent of teaching task completed,

etc.), or adjust the time period in which text/task is to be completed for the next teaching period (day, week, month) (col. 4, lines 54). This suggests the evaluation of teaching task in the in order to set up the teaching task for the next period which corresponding to determines the present or absence of lesson plans for a selected period in the management system database. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the evaluation of teaching task in a predetermine period as taught by Doak in order to verify the teaching task completeness.

Regarding on claims 8 and 11, Doak teaches the lesson plan information includes lesson plans having dates and furthering comprising:

Means for setting a selected period of one or more days (col. 4, lines 28-29);

Inspection conducting means determining the presence of a lesson plan having a date within the selected period (col. 4, lines 28-29).

5. Claims 3, 5, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doak et al. (US. Patent No. 5,864,869) in view of Ho et al. (US. Patent No. 6,685,478 B2).

Regarding on claims 3 and 5, Doak does not teach the item list includes child developmental areas and the inspection conducting means determines the presence or absence of child accomplishment in the selected developmental areas. However, Doak teaches "verification of checking if the teaching task is accomplished in the setting

wherein the invention allow the user to track and editing the lesson plans for further teaching task" (col. 4, lines 23-67). Doak provides the task management system wherein the task is the teaching task and allowance for tracking of completeness of these tasks. In addition, Doak also suggests in figure 3. a student process report in which open for modification. Ho suggests "a computerized method for managing learning activities, the method comprising: tracking a learning activity of a student, becoming a ware of the student's understanding area; creating a report corresponding to at least some of the tracked learning activity..." (col. 18, lines 3-8). This suggest the student learning activities are track and evaluate. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the system and method of Doak to include the method of managing the student activity and tracking the student progresses as taught by Ho in order to provide the student improvement.

Regarding on claims 9 and 12, Doak teaches child accomplishment data is associated with set periods of time and further comprising:

Means for selecting a period of time of one or more days (col. 4, lines 35-40);

inspection conducting means determining the presence of child accomplishment data associated with the selected period of time (col. 4, lines 35-40).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-

1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Any response to this action should be mailed to:  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:  
Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To  
July 8, 2004



JEAN M. CORRIELUS  
PRIMARY EXAMINER